

a wide variety of incident management and emergency assistance activities. Included in these activities are Federal support to State, local, and tribal authorities; interaction with nongovernmental, private donor, and private-sector organizations; and the coordinated, direct exercise of Federal authorities, when appropriate.

The plan was approved by the Homeland Security Council and signed by 32 Federal departments and agencies, and nongovernmental organizations. The signatories are the Department of Agriculture, Department of Commerce, Department of Defense, Department of Education, Department of Energy, Department of Health and Human Services, Department of Homeland Security, Department of Housing and Urban Development, Department of the Interior, Department of Justice, Department of Labor, Department of State, Department of Transportation, Department of the Treasury, Department of Veterans Affairs, Central Intelligence Agency, Environmental Protection Agency, Federal Bureau of Investigation, Federal Communications Commission, General Services Administration, National Aeronautic and Space Administration, National Transportation Safety Board, Nuclear Regulatory Commission, Office of Personnel Management, Small Business Administration, Social Security Administration, Tennessee Valley Authority, U.S. Agency for International Development, U.S. Postal Service, American Red Cross, Corporation for National and Community Service, and National Voluntary Organizations Active in Disaster.

Implementation of the National Response Plan commenced on December 15, 2004 per a memorandum from the Secretary of Homeland Security. Implementation will occur in three phases over the period of one year. During the first 120 days of the implementation process, the Initial National Response Plan, the Federal Response Plan, the U.S. Government Domestic Terrorism Concept of Operations Plan, and the Federal Radiological Emergency Response Plan remain in effect. After April 14, 2005, these plans are superseded by the National Response Plan. Detailed implementation guidance and schedules are identified in the Letter of Instruction in the base plan of the document.

This Notice informs the public of the release and availability of the National Response Plan. The National Response Plan is available on the Department of Homeland Security's Web site at [www.dhs.gov/nationalresponseplan](http://www.dhs.gov/nationalresponseplan). A hard copy or CD-ROM of the National

Response Plan may be obtained by calling 800-480-2520.

Dated: January 28, 2005.

**Bob Stephan,**

*Special Assistant to the Secretary,  
Department of Homeland Security.*

[FR Doc. 05-2259 Filed 2-4-05; 8:45 am]

**BILLING CODE 4410-10-P**

## DEPARTMENT OF HOMELAND SECURITY

### Federal Emergency Management Agency

#### Open Meeting of the Federal Interagency Committee on Emergency Medical Services (FICEMS)

**AGENCY:** Federal Emergency Management Agency (FEMA), Department of Homeland Security.

**ACTION:** Notice of open meeting.

**SUMMARY:** FEMA announces the following open meeting.

*Name:* Federal Interagency Committee on Emergency Medical Services (FICEMS).

*Date of Meeting:* March 3, 2005.

*Place:* Building J, Room 138, National Emergency Training Center (NETC), 16825 South Seton Avenue, Emmitsburg, Maryland 21727.

*Times:* 10:30 a.m.—Main FICEMS Meeting; 1 p.m.—FICEMS Ambulance Safety Subcommittee.

*Proposed Agenda:* Review and submission for approval of previous FICEMS Committee Meeting Minutes and Ambulance Safety Subcommittee reports; Action Items review; presentation of member agency reports; and reports of other interested parties.

**SUPPLEMENTARY INFORMATION:** This meeting will be open to the public with limited seating available on a first-come, first-served basis. See the Response and Security Procedures below.

*Response Procedures:* Committee Members and members of the general public who plan to attend the meeting should contact Ms. Lee Wren, on or before Tuesday, March 1, 2005, via mail at NETC, 16825 South Seton Avenue, Emmitsburg, Maryland 21727, or by telephone at (301) 447-1107, or via facsimile at (301) 447-1178, or via e-mail at [lee.wren@dhs.gov](mailto:lee.wren@dhs.gov). This is necessary to be able to create and provide a current roster of visitors to NETC Security per directives.

*Security Procedures:* Increased security controls and surveillance are in effect at the National Emergency Training Center. All visitors must have a valid picture identification card and their vehicles will be subject to search

by Security personnel. All visitors will be issued a visitor pass which must be worn at all times while on campus. Please allow adequate time before the meeting to complete the security process.

*Conference Call Capabilities:* If you are not able to attend in person, a toll free number has been set up for teleconferencing. The toll free number will be available from 10:30 a.m. until 3 p.m. Members should call in around 10:30 a.m. The number is 1-800-320-4330. The FICEMS conference code is "885721#."

*FICEMS Meeting Minutes:* Minutes of the meeting will be prepared and will be available upon request 30 days after they have been approved at the next FICEMS Committee Meeting on June 2, 2005. The minutes will also be posted on the United States Fire Administration Web site at <http://www.usfa.fema.gov/fire-service/ems/ficems.shtm> within 30 days after their approval at the June 2, 2005, FICEMS Committee Meeting.

Dated: January 31, 2005.

**R. David Paulison,**

*U.S. Fire Administrator.*

[FR Doc. 05-2258 Filed 2-4-05; 8:45 am]

**BILLING CODE 9110-17-P**

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### Availability of an Environmental Assessment and Receipt of Applications for Incidental Take Permits for the Arnaudo Brothers, Wathen-Castanos, and River East Holding Sites in Merced County, CA

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice of availability and receipt of applications.

**SUMMARY:** The Arnaudo Brothers, Wathen-Castanos, and River East Holding Sites (Applicants) have applied to the Fish and Wildlife Service (Service) for incidental take permits pursuant to section 10(a)(1)(B) of the Endangered Species Act (Act) of 1973, as amended. The Service is considering issuing 10-year permits to the Applicants that would authorize take of the endangered San Joaquin kit fox (*Vulpes macrotis mutica*, "kit fox") incidental to otherwise lawful activities associated with the residential and commercial development of four sites in Merced County, California. The projects would result in the incidental take of kit fox on the project sites through permanent removal of 182 acres of

habitat. Incidental take may also potentially occur during construction and ground disturbance activities, which may affect occupied dens and individual foxes.

We request comments from the public on the permit applications and the Environmental Assessment, both of which are available for review. The permit applications include the proposed Habitat Conservation Plan (HCP) and associated Implementing Agreement. The HCP describes the proposed action and the measures that the Applicants will undertake to minimize and mitigate, to the maximum extent practicable, take of the kit fox.

**DATES:** We must receive your written comments on or before March 9, 2005.

**ADDRESSES:** Please address written comments to Ms. Lori Rinek, U.S. Fish and Wildlife Service, 2800 Cottage Way, Room W-2605, Sacramento, California 95825. You also may send comments by facsimile to (916) 414-6713.

**FOR FURTHER INFORMATION CONTACT:** Ms. Lori Rinek, Chief, Conservation Planning and Recovery Division, at (916) 414-6600.

#### **SUPPLEMENTARY INFORMATION:**

##### **Availability of Documents**

You may obtain copies of these documents for review by contacting the above office [see **FOR FURTHER INFORMATION CONTACT**]. Documents also will be available for public inspection, by appointment, during normal business hours at the above address [see **ADDRESSES**] and at the following Web site: <http://www.harveyecology.com/>.

##### **Background**

Section 9 of the Act and Federal regulations prohibit the "take" of fish and wildlife species listed as endangered or threatened. Take of federally-listed fish and wildlife is defined under the Act as including to "harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct." The Service may, under limited circumstances, issue permits to authorize incidental take (*i.e.*, take that is incidental to, and not the purpose of, the carrying out of an otherwise lawful activity). Regulations governing incidental take permits for threatened species are found in 50 CFR 17.32.

The Applicants propose to develop 182 acres on 4 sites in the unincorporated community of Santa Nella in western Merced County, California: Arnaudo 1, Arnaudo 2, Wathen-Castanos, and River East. The Arnaudo 1 and 2 and Wathen-Castanos sites are situated west and east of State

Route 33 respectively, and north of State Route 152. The O'Neill Forebay State Wildlife Area lies west of the Delta-Mendota Canal, which is located west of the project sites. To the south of the project sites, the Delta-Mendota Canal and California Aqueduct flow from west to east. The River East site, on which the proposed wastewater treatment facility would be located, is situated to the east of Interstate 5 and west of the Outside Canal. The proposed development would occur on undeveloped parcels within an area of existing residential and commercial development. The project sites contain, and are adjacent to, habitat suitable to support kit fox. Critical habitat for the kit fox has been neither designated nor proposed.

Kit foxes have historically been known to occur in the area of the proposed projects, and have been seen south and northwest of the project sites. At least 13 surveys for the kit fox have been conducted in the Santa Nella area, of which 5 determined kit fox to be present in the area. In 1992, a kit fox survey (conducted according to 1990 California Department of Fish and Game recommendations) was undertaken for the Santa Nella community; however, no kit foxes were detected. Kit foxes are known to occur south of the State Route 33/152 interchange. A female with pups was observed in 2004 along Billie Wright Road. Kit fox sightings and dens have also been reported in and around the proposed Los Banos Grandes Reservoir and the proposed Villages of Laguna San Luis project, both located south of the project sites. In the spring of 1998, a radio-collared kit fox was documented northwest of the Santa Nella community within the right-of-way along the Delta-Mendota Canal. Based on the results of these surveys and on other records, the Service has determined that the implementation of the proposed projects would likely result in take of kit fox through the permanent removal of 182 acres of habitat on the sites.

To mitigate for any take of kit fox on the project sites, the Applicants propose to preserve, and manage in perpetuity, a total of 447.9 acres of kit fox habitat. Within the Santa Nella community, the Applicants would establish movement corridors consisting of 39.8 acres along the Delta-Mendota Canal and 27.1 acres along the west side of the Outside Canal. In addition, a 5-acre refugium would be created north of the San Luis Wasteway and east of the Delta-Mendota Canal. The Applicants also propose to preserve in perpetuity 376 acres of off-site habitat, which would provide breeding and foraging areas for source populations located to the north and

south of the Santa Nella community. The combination of on-site and off-site habitat preservation is intended to achieve the goal of protecting and maintaining habitat to facilitate population interchange between the core population to the south and northern kit fox populations, and to help ensure the survival of source populations.

In addition to habitat preservation and management, the Applicants propose to avoid and/or minimize the potential effect on kit foxes associated with pre-construction and construction activities through the adoption of various measures, including the Service's standardized recommendations for protection of the kit fox prior to and during ground disturbance activities. Furthermore, the Applicants have identified measures to avoid and minimize any potential indirect effects on kit foxes using preserved corridors adjacent to the proposed development. Such measures include leash laws, signage and fencing, night lighting standards, and pesticide and rodenticide restrictions.

The Service's Environmental Assessment evaluates the environmental consequences of four alternatives, including: (1) The Proposed Project Alternative, which involves the of issuance of incidental take permits and implementation of the proposed HCP; (2) the Reduced Density Alternative, which is identical to the Proposed Project Alternative, except that residential housing construction within the project sites would occur at half the density as that planned under the Proposed Project Alternative; (3) the 1999 Draft HCP Alternative, which involves the same level of development as the Proposed Project Alternative, but differs in the approaches proposed to address potential impacts to kit fox as a result of the development; and (4) the No Action Alternative, which presumes that no incidental take permits would be issued and that the proposed development would not proceed.

Although the Reduced Density Alternative does not differ from the Proposed Project Alternative with respect to the establishment of corridors and preservation of other conservation lands, the reduction in housing density would potentially result in the creation of small habitat patches, which could further adversely affect kit foxes. The 1999 Draft HCP Alternative, which proposes the preservation of off-site habitat only, would result in an inferior conservation outcome for kit fox than the Proposed Project Alternative because it would not lead to the permanent establishment of movement

corridors through the Santa Nella community. The Service considers movement corridors, which would facilitate population interchange between northern and southern kit fox populations, to be of critical importance to the survival of the species. The No Action Alternative would not provide for the long-term conservation of kit fox in the area because conservation lands and movement corridors would not be permanently established.

Pursuant to an order issued on June 10, 2004, by the District Court for the District of Columbia in *Spirit of the Sage Council v. Norton* Civil Action No. 98-1873 (D.D.C.), the Service is enjoined from issuing new section 10(a)(1)(B) permits or related documents containing "No Surprises" assurances, as defined by the Service's "No Surprises" rule published at 63 FR 8859 (February 23, 1998), until such time as the Service adopts new permit revocation rules specifically applicable to section 10(a)(1)(B) permits in compliance with the public notice and comment requirements of the Administrative Procedures Act. This notice concerns a step in the review and processing of a section 10(a)(1)(B) permit and any subsequent permit issuance will be in accordance with the Court's order. Until such time as the June 10, 2004, order has been rescinded or the Service's authority to issue permits with "No Surprises" assurances has been otherwise reinstated, the Service will not approve any incidental take permits or related documents that contain "No Surprises" assurances.

This notice is provided pursuant to section 10(a) of the Act and the regulations of the National Environmental Policy Act (NEPA) of 1969 (40 CFR 1506.6). All comments that we receive, including names and addresses, will become part of the official administrative record and may be made available to the public. We will evaluate the application, associated documents, and comments submitted thereon to determine whether the application meets the requirements of NEPA regulations and section 10(a) of the Act. If we determine that those requirements are met, we will issue a permit to the Applicant for the incidental take of the kit fox. We will make our final permit decision no sooner than 30 days from the date of this notice.

Dated: January 28, 2005.

**Mike Boylen,**

*Deputy Manager, California/Nevada Operations Office, Sacramento, California.*  
[FR Doc. 05-2250 Filed 2-4-05; 8:45 am]

**BILLING CODE 4310-55-P**

## INTERNATIONAL TRADE COMMISSION

[Inv. No. 337-TA-501]

### **In the Matter of Certain Encapsulated Integrated Circuit Devices and Products Containing Same; Notice of Decision to Review in its Entirety a Final Initial Determination Finding No Violation of Section 337; Schedule for Filing Written Submissions; Extension of Target Date**

**AGENCY:** U.S. International Trade Commission.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission has determined (1) to review in its entirety a final initial determination ("ID") issued by the presiding administrative law judge ("ALJ") on November 18, 2004, finding no violation of section 337 of the Tariff Act of 1930, 19 U.S.C. 1337, in the above-captioned investigation; and (2) to extend the target date for completion in this investigation by thirty-seven (37) days, *i.e.*, until March 31, 2005.

**FOR FURTHER INFORMATION CONTACT:** Michael Liberman, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone (202) 205-3115. Copies of the public version of the IDs and all nonconfidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone (202) 205-2000. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205-1810. General information concerning the Commission may also be obtained by accessing its Internet server (<http://www.usitc.gov>). The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at <http://edis.usitc.gov>.

**SUPPLEMENTARY INFORMATION:** On December 19, 2003, the Commission instituted an investigation under section 337 of the Tariff Act of 1930, 19 U.S.C. 1337, based on a complaint filed by Amkor Technology, Inc. alleging a violation of section 337 in the importation, sale for importation, and sale within the United States after importation of certain encapsulated integrated circuit devices and products containing same in connection with

claims 1-4, 7, 17, 18 and 20-23 of U.S. Patent No. 6,433,277 ("the '277 patent"); claims 1-4, 7 and 8 of U.S. Patent No. 6,630,728 ("the '728 patent"); and claims 1, 2, 13 and 14 of U.S. Patent No. 6,455,356 ("the '356 patent"). 68 FR 70836 (December 19, 2003). The complainant named Carsem (M) Sdn Bhd; Carsem Semiconductor Sdn Bhd; and Carsem, Inc. as respondents.

The evidentiary hearing in this investigation was held from July 6 through July 30, 2004, and August 9 through August 11, 2004. On November 18, 2004, the presiding ALJ issued a final ID finding no violation of section 337. All of the parties to the investigation, including the Commission investigative attorney filed timely petitions for review of various portions of the final ID. Respondents designated their petition to be contingent upon the granting of any other petition for review or upon the Commission's reviewing the ALJ's ID on its own motion pursuant to 19 CFR 210.44. All parties filed timely responses to the petitions for review.

Having examined the record in this investigation, including the ALJ's final ID, the petitions for review, and the responses thereto, the Commission has determined to review the ID in its entirety. At this time the Commission requests briefing, based on the evidentiary record, that concerns only the issue of claim interpretation. Further briefing may be requested at a later date. The Commission is particularly interested in receiving answers to the following questions:

1. Does the specification of the '277 patent satisfy the "written description" requirement of 35 U.S.C.112, ¶ 1 with respect to the claim limitations "fully around a circumference of the die pad" found in claims 2, 3, and 4, and "fully around the die pad" found in claims 21, 22, and 23?

2. How should the following claim limitations be construed:

(a) "Fully around a circumference of the die pad" ('277 patent, claims 2, 3, and 4);

(b) "fully around the die pad" ('277 patent, claims 21, 22, and 23);

(c) "surrounding the second surface" ('356 patent, claims 1 and 13);

(d) "the side surface of the die pad includes a means around the circumference of the die pad for vertically locking," ('277 patent, claim 17)?

In particular, please address whether the claim limitations "fully around a circumference of the die pad" and "fully around the die pad" are indefinite.

3. How should the following claim terms of the '356 patent be construed: